

Title Appeal – 36 of 2025

Present : Varsha Bansal Agarwal
Additional District Judge,
2nd Court, Burdwan, Purba Bardhaman

Order No. 07.

Dated – 13.01.2026

Today is fixed for hearing of injunction petition u/o-39, rule-1 and 2 read with Sec. 151 of CPC.

Record is taken up for hearing.

Ld. Advocate for the appellant submitted that originally the suit property which is a sali land cultivated by the legal heirs of Bargadar and share the produce to the defendant and respondent. The said property is inherited by appellant and respondents. Time to time respondent no.3, 4, 5 and 6 transferred their share in favour of the appellant. Presently, when Bargadar tried to share the produce, respondent no.7 prevented the same. He also tried to dispossess the bargadar. Even, respondent no.1 to 3, 7 and 8 tried to transferred the property to third person. For such reason, suit for declaration, permanent and mandatory injunction was filed against the respondent in the court below which was dismissed on contest. Now, the respondent are trying to transfer the property to the third party and if the order of ad interim injunction is not passed against the respondent restraining transferring of property to the third party, the appellant will suffer irreparable loss and injury.

Heard the Ld. Lawyer for plaintiff / appellant who seeks for the relief of ad interim temporary injunction against the defendants / respondents alleging that respondents are trying to transfer the suit property to the third party which is owned by appellant by way of inheritance and also by way of purchase from other respondents. It is submitted by Ld. Advocate for the appellant that Ld. court below without going into the merits, and pursuing the original documents refused the mandatory injunction petition causing hardship to the plaintiff/appellant. Record reveals that the declaratory suit being T.S no. 194 of 2015 was dismissed on contest after perusing the materials on record both documentary and ocular evidence. At the time of hearing, no documents with regard to submission of Ld. Advocate for the appellant is filed. Therefore, this court finds that no supportive document relating to submission of Ld. Advocate for the appellant is submitted before this court. In the above facts and circumstances, this court opined that it is not a fit case to accept the prayer at this juncture without providing opportunity to respondents of being heard as to why appellant's prayer shall not be accepted. Therefore, at this juncture having considered materials on record and the nature of the dispute, prayer is stands refused.

Issue notice upon the respondents /defendants to show-cause within 15 days from the date of receipt of the notice as to why appellant's/ plaintiffs' prayer for interim injunction shall not be allowed.

Fix 12.02.2026 for filing show cause.

Dictated & corrected by me

Sd/-

A.D.J

Sd/-

Additional District Judge,
2nd Court, Purba Bardhaman